

76666.0105

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION**

**LETICIA NUNO**

**Plaintiff,**

**V.**

**TRAVELERS LLOYDS OF TEXAS  
INSURANCE COMPANY**

**Defendant**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**Civil Action No. 5:16-CV-27**

**DEFENDANT TRAVELERS LLOYDS OF TEXAS INSURANCE'S  
NOTICE OF REMOVAL**

Defendant TRAVELERS LLOYDS OF TEXAS INSURANCE COMPANY, (“Travelers” or “Defendant”), files its Notice of Removal of this action from the 49<sup>TH</sup> Judicial District Court, Webb County, Texas to the United States District Court for the Southern District of Texas, Laredo Division, the Court for the District and Division encompassing the place for the lawsuit is currently pending. In support of this removal, Defendants rely upon the Appendix Filed in Support of Defendants’ Notice of Removal filed contemporaneously herewith and shows the following:

**I.  
INTRODUCTION**

1. On September 15, 2015, Plaintiff Leticia Nuno filed her original petition in the 49<sup>TH</sup> Judicial District Court, Webb County, Texas captioned *Leticia Nuno v. Travelers Lloyds of Texas Insurance Company*, Cause Number 2015CVF003025 D1 (the “State Court Action”).

2. Defendants were served with citation for the State Court Action on January 4, 2016. *See Exhibit (USPS Tracking Information)*

76666.0105

## II. BASIS FOR REMOVAL

3. This Court has original jurisdiction over this State Court Action, pursuant to 28 U.S.C. §1332(a), because it is a civil action between citizens of different states where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

4. The Plaintiffs seek “monetary relief, the maximum of which is over \$100,000.00 but not more than \$200,000.00.” *See* Exhibit A-2. Accordingly, the amount in controversy in this matter meets and exceeds the federal jurisdictional minimum of \$75,000, exclusive of interest and costs

5. On the date of this removal and at all relevant times, Plaintiff LETICIA NUNO is an individual, resident citizen of Texas.

6. Defendant Travelers Lloyds of Texas Insurance Company is a Lloyd’s plan insurance association and an unincorporated association. For purposes of diversity jurisdiction, the citizenship of a Lloyd’s plan insurance association is determined by the citizenship of its underwriters. *Royal Ins. Co. of Am. v. Quinn-L Capital Corp.*, 3 F.3d 877, 882-83 (5<sup>th</sup> Cir. 1993): *see also State Farm Lloyds v. Peed*, No. CIV.A. 3:00CV1696-BC, 2001 WL 513427 (N.D. Tex. May 9, 2001)(“ For purposes of diversity jurisdiction, a Lloyds Plan insurer is considered an ‘unincorporated association’ whose citizenship is determined solely by the citizenship of its underwriters.”).

7. On the date of this removal and at all relevant times, Travelers Lloyds of Texas Insurance Company’s underwriters are all citizens of Connecticut; none of its underwriters are citizens of Texas. *See* Exhibit B. Accordingly, Travelers Lloyds of Texas Insurance Company is a citizen of Connecticut.

76666.0105

8. Because the amount in controversy exceeds \$75,000 and Plaintiff is a citizen of Texas while no properly joined defendant is a citizen of Texas, this Court has original jurisdiction over the present action pursuant to 28 USC §1332. Therefore, removal is proper.

9. This action may be removed to this Court pursuant to 28 USC §1441(a), which allows for the removal of any civil action brought in the state court of which the District Courts of the United States have original jurisdiction, by the defendant or the defendants, to the District Court of the United States for the district and division embracing the place where such action is pending.

10. This Notice of Removal is filed within thirty (30) days after service (on January 4, 2016) by Defendant of the State Court Action. This Notice of Removal is also filed within one year of the filing of Plaintiffs' Original Petition by which the State Court Action was commenced. This Notice, therefore, is timely filed pursuant to 28 USC §1446 (b).

### **III. PROCEDURAL REQUIREMENTS**

12. In accordance with 28 USC section 1446 (D), Defendant will promptly give written notice of this Notice of Removal to Plaintiff through counsel of record and file a copy of this Notice of Removal in the 49<sup>TH</sup> Judicial District Court, Webb County, Texas.

13. Defendant reserves the right to amend or supplement this Notice of Removal.

14. The following are included in the Appendix filed contemporaneously with this Notice of Removal:

(a) an index of all documents that clearly identifies each document and indicates the date the document was filed in the State Court Action, attached as Exhibit A;

(b) a copy of the civil case information sheet in the State Court Action;

76666.0105

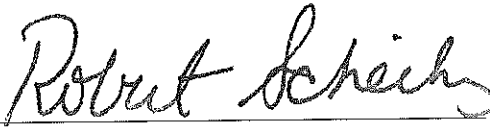
- (c) a copy of each document filed in the State Court Action, except discovery material, arranged in chronological order according to the state court filing date;
- (d) an affidavit regarding the citizenship of all of Travelers' underwriters attached as Exhibit B;
- (e) a separately filed JS 44 Civil Cover Sheet for Cases Removed from State District Court attached as Exhibit C; and
- (f) USPS tracking information for certified copy of Plaintiff's petition and citation to Travelers attached as Exhibit D.

For the above reasons, Defendants give notice of the removal of the State Court Action to this Court and respectfully request that this action proceed before this Court as though it had originally been instituted in this Court.

Dated: 4<sup>th</sup> February, 2016

Respectfully submitted,

ADAMI, SHUFFIELD, SCHEIHING  
& BURNS, P.C.  
9311 San Pedro, Suite 900  
San Antonio, Texas 78216  
Telephone (210) 344-0500  
Telecopier (210) 344-7228  
[bscheihing@adamilaw.com](mailto:bscheihing@adamilaw.com)

By:   
ROBERT F. SCHEIHING  
State Bar No. 17736350

ATTORNEY FOR DEFENDANT

76666.0105

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing document has been forwarded to the following counsel of record in compliance with the Texas Rules of Civil Procedure this 4<sup>th</sup> day of February, 2016:

Robert A. Pollom  
Mahsa Tajipour  
KETTERMAN ROWLAND & WESTLUND  
16500 San Pedro, Suite 302  
San Antonio, Texas 78232  
[robert@krwlawyers.com](mailto:robert@krwlawyers.com)  
[mahsa@krwlawyers.com](mailto:mahsa@krwlawyers.com)

  
ROBERT F. SCHEIHING